

DOJ Ramps Up Unique Tool in Antitrust Suits to Shape Case Law

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The U.S. Department of Justice's increasing intervention in private antitrust lawsuits signals its intent to influence the law in matters alleging algorithmic price-fixing, anticompetitive deals and other violations. Through its statements of interest, the DOJ can express its views on the efficient application of competition law without overburdening its resources.

Observers anticipate that the use of these statements of interest will persist due to the continued emphasis on antitrust enforcement. However, there is growing concern that the increased frequency of these submissions might diminish their impact and provoke skepticism among courts.

Ann O'Brien, a partner and co-leader of Sheppard Mullin's Antitrust and Competition practice group, and a former member of the DOJ's antitrust division, observed, "It's starting to feel like there is backlash. I'm starting to see trends of less reliance on those briefs by courts. They are not affording them the weight they used to."

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Practice Areas

Antitrust and Competition